

RESOLUTION NO. 20051201-026

WHEREAS, the City Council of the City of Austin has found that public necessity requires the City of Austin to acquire a certain real property interest for public purposes as set out below; and

WHEREAS, the City of Austin has attempted to purchase the needed real property interest but has been unable to agree with the owners on the fair market value thereof; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Attorney, or other authorized designee, is hereby authorized and directed to file, or cause to be filed, a suit in eminent domain on behalf of the City of Austin against the owners now having, or who may acquire, an interest in the real property interest needed by the City, described and located below, for the public purposes set out below, and to take whatever other action may be deemed appropriate to economically effect the needed acquisition.

The City Attorney, or other authorized designee, shall file eminent domain proceedings for:

Owners: George Robert McLaughlin Wert and Audra Wert

Project: Govalle 1 - Newton Street Area Wastewater Improvements Project, a portion of the Austin Clean Water Program

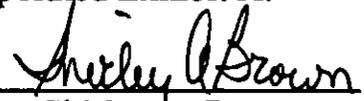
Intended Purpose: the temporary working space easement described in the attached Exhibit "A" is necessary to install permanent wastewater lines and appurtenances thereto, on surrounding property in order to increase and improve the City's ability to provide sanitary sewer services to the public, to prevent leakage from wastewater lines, and to comply with a federal mandate.

Location: 416 West Annie Street, Austin, Texas.

Property: Described in the attached and incorporated Exhibit A.

ADOPTED: December 1, 2005

ATTEST:


Shirley A. Brown
City Clerk

George Robert McLaughlin Wert
and Audra Wert
to
City of Austin
(Temporary Working Space Easement)

Field Notes for Parcel 5119.11TWSE

BEING 0.017 OF ONE ACRE (732 S.F.) OF LAND, MORE OR LESS, OUT OF AND A PART OF THE ISAAC DECKER LEAGUE, SAME BEING A PORTION OF LOT 14, BLOCK 3-B, C.A. NEWNING'S AND GEO. WARNERS SUBDIVISION OF BLOCKS 3-B AND 4-B, SWISHER ADDITION, RECORDED IN BOOK 1, PAGE 53 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO GEORGE ROBERT McLAUGHLIN WERT BY GENERAL WARRANTY DEED FILED FOR RECORD ON OCTOBER 18, 2002, RECORDED IN DOCUMENT 2002198744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS AND TO AUDRA WERT BY WARRANTY DEED FILED FOR RECORD ON FEBRUARY 3, 2004, RECORDED IN DOCUMENT 2004020582 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.017 OF ONE ACRE (732 S.F.) OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

BEGINNING at a calculated point in the southeasterly line of said Lot 14, same being in the northwesterly line of Lot 13, Block 3-B, of said C.A. Newning's and Geo. Warners Subdivision of Blocks 3-B and 4-B, Swisher Addition, conveyed to George Robert McLaughlin Wert by deed recorded in Document 2002198744 of the Official Public Records of Travis County, Texas and to Audra Wert by deed recorded in Document 2004020583 of the Official Public Records of Travis County, Texas same also being North 17°12'16" East, a distance 76.79 feet from a 1/2 inch iron rod found at the most southerly corner of the remainder of said Lot 14, for the Point of Beginning and the most southerly corner of the herein described tract of land, having Texas State Plane Coordinate (Texas Central Zone, NAD83 (93)HARN, US Feet, Combined Scale Factor 0.99994) values of N=10063146.50 and E=3110734.40;

1) THENCE, North 72°47'44" West, a distance of 15.00 feet, leaving the southeasterly line of said Lot 14 and the northwesterly line of said Lot 13 and crossing said Lot 14, to a calculated point for the most westerly corner of the herein described tract of land;

2) THENCE, North 17°12'16" East, a distance of 48.74 feet, to a calculated point in the northeasterly line of said Lot 14, same being in the southwesterly line of Lot 16 Block 3-B, of said C.A. Newning's and Geo. Warners Subdivision of Blocks 3-B and 4-B, Swisher Addition, conveyed together with Lot 17 Block 3-B, of said C.A. Newning's and Geo. Warners Subdivision of Blocks 3-B and 4-B, Swisher Addition to Jovita's Inc. by deed recorded in Volume 13146, Page 2033, of the Real Property Records of Travis County, Texas, for the most northerly corner of the herein described tract of land;

Exhibit "A"

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3) THENCE, South 73°27'32" East, a distance of 15.00 feet, with the northeasterly line of said Lot 14 and the southwesterly line of said Lot 16, to a 1/2 inch iron rod found at the most easterly corner of said Lot 14, same being the most southerly corner of said Lot 16, the most westerly corner of said Lot 17, and the most northerly corner of said Lot 13, for the most easterly corner of the herein described tract of land;

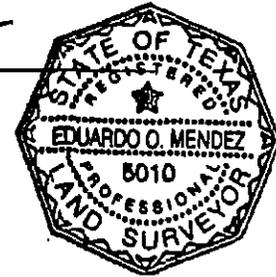
4) THENCE, South 17°12'16" West, a distance of 48.92 feet, with the southeasterly line of said Lot 14 and the northwesterly line of said Lot 13, to the Point of Beginning and containing an area of 0.017 of one acre (732 s.f.) of land, more or less.

I hereby declare that this survey was made on the ground, under my supervision, and that it substantially complies with the current Texas Society of Professional Surveyors standards.

Eduardo O. Mendez

Eduardo O. Mendez
Registered Professional Land Surveyor 5010

3/29/05
Date



Martinez, Wright & Mendez, Inc.
7700 Chevy Chase Dr., Suite 100
Austin, Texas 78752
(512) 453-0767

The coordinates herein are Texas State Plane, Central Zone, NAD 83 (93) (HARN). These coordinates were established from City of Austin Monuments CB08, CB10, CB11, CB12, H-21-3001 and J-21-1001. Combined Scale Factor is 0.99994. All distances are surface distances.

TCAD No. : 04-0000-0321
Austin Grid: H20-2

FIELD NOTES REVIEWED

By: *[Signature]* Date: 3-30-05

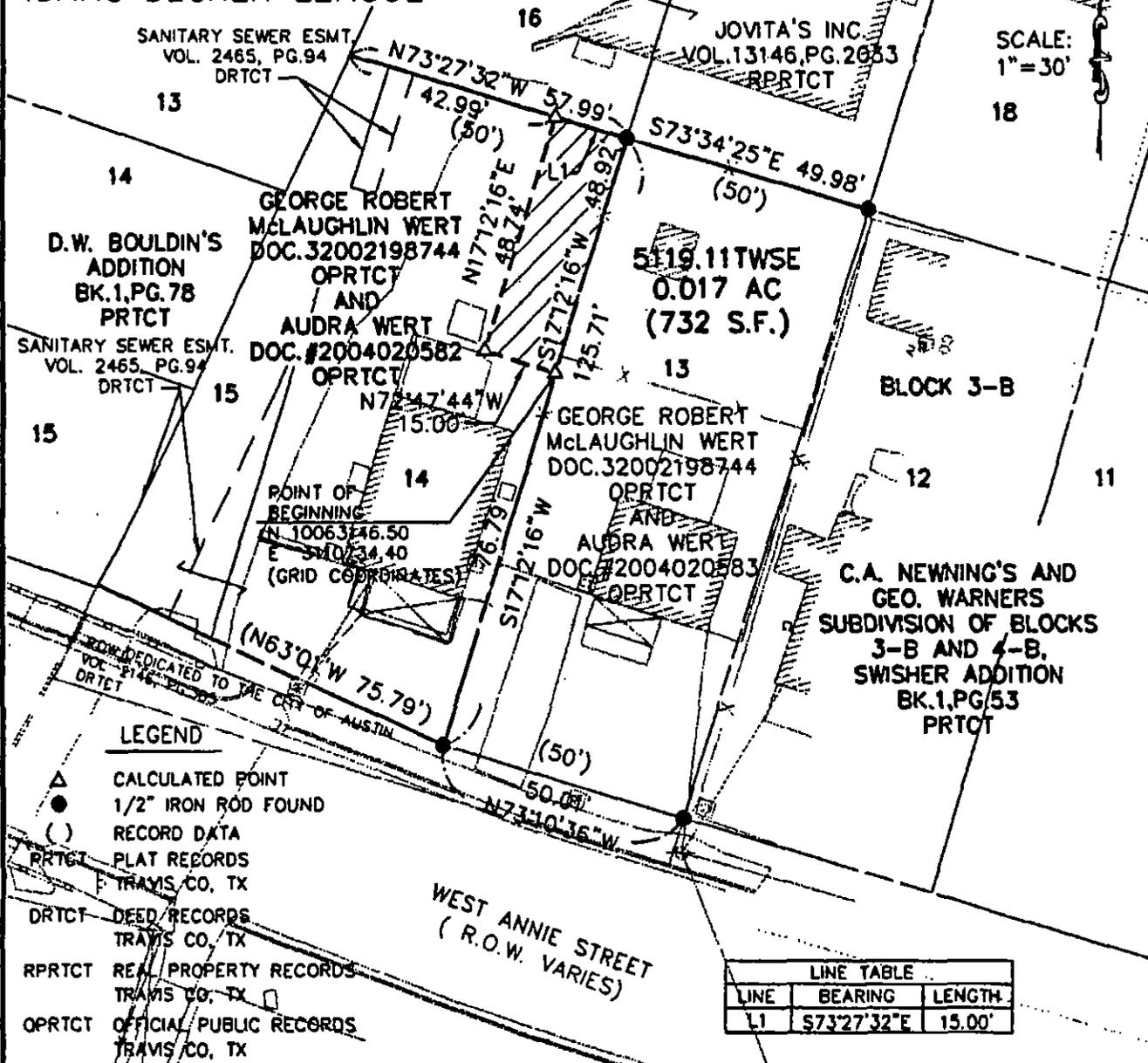
Austin Clean Water Program
Survey Coordinator

Exhibit "A"

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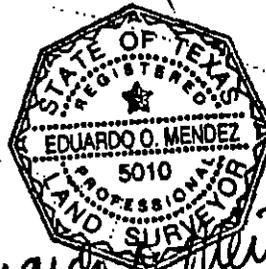
ISAAC DECKER LEAGUE

SCALE:
1"=30'



THE COORDINATES SHOWN ARE TEXAS STATE PLANE, CENTRAL ZONE, NAD 83 (93)(HARN). THESE COORDINATES WERE ESTABLISHED FROM CITY OF AUSTIN MONUMENTS CB08, CB11, CB12, CB10, J-21-1901 AND H-21-3001. COMBINED SCALE FACTOR 0.99994. ALL DISTANCES SHOWN ARE SURFACE DISTANCES.

RECORD DATA REFERENCE:
STEWART TITLE GUARANTY COMPANY
336 S. CONGRESS AVE.
AUSTIN, TX 78704
GF # 406997



Eduardo O. Mendez
3/24/05

SKETCH TO ACCOMPANY
FIELD NOTES

TRAVIS COUNTY, TEXAS

DATE: 28 MAR 05
JOB NO.: 01402011
P.L.E.: 0110.11TWS

Exhibit "A"
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**MARTINEZ
WRIGHT &
MENDEZ**
Civil Engineering, Land Surveying, Architects

CHEVY CHASE ONE
7700 Chevy Chase Drive
Suite 100, Austin, Texas 78752
MO 512.453.8767 MW 512.453.1734